
Prepared for:

**USAID Montenegro
Good Local Governance Project**

**MONTENEGRO
GOOD LOCAL
GOVERNANCE**

**ROZAJE BOOK OF
PROCEDURES**



Prepared by

The Urban Institute

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Pursuant to Article 45, paragraph 1, item 20 of the Law on Local Governance (Official Gazette of the Republic of Montenegro“, no, 42/03) and Article 41, paragraph 1, item 26 of Rozaje Municipal Charter (“Official Gazette of the Republic of Montenegro – Municipal Regulations“, no. 33/04), the Rozaje Municipal Assembly, at the meeting held on _____, adopted the following

BOOK OF PROCEDURES FOR THE MUNICIPALITY OF ROZAJE

I GENERAL PROVISIONS

Article 1

This Book of Procedures shall regulate in detail the work and decision-making procedure of the Municipal Assembly, the procedure for exercising rights and responsibilities of Assembly members, the procedure for citizen participation in the work of the Municipal Assembly and other issues of importance for the Assembly operation.

Article 2

Issues related to the work procedure and are not included in this Book of Procedures may be regulated by a separate ordinance.

II Constitution of the Assembly

1. Convening the Initial Session of the Assembly

Article 3

Constitutive session of the Assembly shall be convened by the Mayor within 15 days from the day of election of Assembly members.

Invitation for the Assembly session shall be delivered to the newly elected Assembly members within three days from the day Municipal Election Committee submits its report on the elections carried out, while the session shall be held at the latest five days from the day of sending the invitation.

Article 4

Until the election of Assembly Chairperson, Assembly session shall be chaired by the Mayor.

Article 5

At the constitutive Assembly session, assembly members' mandate shall be verified and Assembly Chairperson elected.

2. Mandate Verification

Article 6

Assembly members' mandate shall be verified based on the Municipal Election Committee report.

Acting Chairperson shall state that the Municipal Election Committee has submitted report on the elections carried out and proclaim that, with this report being submitted, mandate of the newly elected Assembly members is verified.

Mandate verification shall not be voted upon.

Article 7

Verification of Assembly member mandate when filling in a vacated Assembly member's post, within duration of the Assembly term of office, shall be carried out as regulated by the provisions of this Book of Procedures.

Article 8

Assembly member shall be granted the rights and responsibilities defined by the law, Charter and this Book of Procedures, as of the day of mandate verification. Assembly member shall take part in the Assembly work in the manner defined by this Book of Procedures.

3. Assembly Chairperson Election

Article 9

Assembly Chairperson shall be elected by the majority of votes of the total number of Assembly members.

Assembly Chairperson candidate may be nominated by a minimum of 1/3 of Assembly members.

Assembly member may take part in nominating only one candidate.

The nomination shall contain: first and last name of the candidate, short CV, party affiliation, explanation, and the first and last name of the proposing party presenter

Article 10

Nomination for the Assembly Chairperson shall be submitted in writing to Acting Chairperson and must be signed by the proposing party.

Candidate's acceptance statement shall be submitted alongside the nomination.

Acting Chairperson shall distribute to Assembly members all nominations for Assembly Chairperson received.

If there are several candidate nominations, Acting Chairperson shall define a list according to the order of their submitting.

Article 11

Discussion shall be conducted on the nominations.

The presenter shall be allowed to provide verbal proposal explanation on behalf of the proposing party.

Article 12

Assembly Chairperson shall be elected by secret vote.

The Assembly may, upon proposal of an Assembly member supported by at least 1/3 of members, decide to elect Assembly Chairperson by public vote.

If several candidates are nominated for Assembly Chairperson, secret vote shall be conducted.

Article 13

To conduct secret vote, Assembly shall, upon Assembly Chairperson's proposal, form a committee of three Assembly members.

Committee composition shall correspond to party representation in the Assembly. Assembly member nominated for Chairperson may not be member of this committee.

The committee from Subsection 1 of this Article shall be assisted in its work by the Assembly Secretary.

Article 14

Secret vote shall be conducted according to the provisions of this Book of Procedures dealing with decision making by secret vote.

Article 15

When the Assembly makes the decision to conduct public vote for Assembly Chairperson, voting shall be conducted by roll-call of Assembly members and clear articulation of the words «for», «against» or «abstention».

Article 16

If one candidate is nominated for Assembly Chairperson, and does not obtain the necessary majority of votes, the election procedure shall be repeated for one or more new candidates.

If two candidates are nominated, and neither obtains the necessary majority of votes, the procedure shall be repeated for a new candidate.

If more than two candidates are nominated and none obtains the necessary majority of votes, the voting procedure shall be repeated for the two candidates with the biggest number of votes or for several candidates with the biggest equal number of votes.

If in the repeated voting stated in Subsection 3 of this Article none of the candidates obtains the necessary majority of votes, the election procedure shall be repeated for new candidates.

Article 17

Upon completion of voting, Acting Chairperson shall proclaim the results of voting for Assembly Chairperson and the candidate elected.

III ASSEMBLY ORGANIZATION

1. Assembly Chairperson

Article 18

Assembly Chairperson shall take up office by making a pledge, following which he/she shall take over chairing the session.

Upon taking up office, Assembly Chairperson shall make a pledge before the Assembly.

Text of the pledge shall be as follows: «I pledge that I will perform the duties of the Assembly Chairperson in accordance with the Constitution, the law and the Municipal Charter».

Article 19

Assembly Chairperson shall :

- Convene the Assembly and chair its sessions,
- Deal with the Assembly organization and work procedure and provide initiative for improvement of its work,
- Represent the Assembly,
- Deal with the Assembly Book of Procedures implementation,
- Deal with the timely and coordinated operation of the working teams,
- Ensure publicity of Assembly work,
- Sign Assembly regulations, and
- Perform other duties in accordance with the law, Municipal Charter and this Book of Procedures.

Article 20

In case of Assembly Chairperson being absent or unable to attend, the Assembly shall be chaired by the member assigned in writing by the Assembly Chairperson.

Article 21

Assembly Chairperson's mandate shall end before the expiry of the term of office, in accordance with the law and Municipal Charter.

In the case of end of mandate stated in Subsection 1 of this Article, the Assembly shall start the election procedure for a new Chairperson at the same session and at the latest at the following one, in accordance with this Book of Procedures.

Article 22

If Assembly Chairperson's term of office ends, the eldest Assembly member shall perform his/her duties until the election of the new Chairperson.

Article 23

Motion to conduct vote of confidence in the Assembly Chairperson may be submitted by a minimum of 1/3 of Assembly members.

Motion shall be submitted to the Assembly in written form.

Motion for vote of confidence in Assembly Chairperson must contain the arguments for its submission.

Article 24

Assembly Chairperson shall be required to convene the session for conducting the vote of confidence at the latest within 30 days from the day of submitting the motion.

With the invitation for the session, Assembly Chairperson shall deliver Assembly members the motion to conduct vote of confidence.

Article 25

If Assembly Chairperson does not convene the Assembly within the deadline given in Article 24 of this Book of Procedures, the Assembly shall be convened by the party submitting the motion from Article 23 of this Book of Procedures.

Article 26

The issue of confidence in the Chairperson shall be discussed at the Assembly session.

The discussion shall be public.

Before starting the discussion, representative of the proposing party shall be entitled to provide arguments for the motion.

Assembly Chairperson shall be entitled to state his/her opinion of the arguments for motioning confidence vote.

Article 27

The Assembly shall decide on the confidence in the Assembly Chairperson by a majority of votes of the overall number of members.

If the Assembly declines the motion for vote of confidence in the Assembly Chairperson, the procedure may not be repeated within 6 months from the day of conducting the vote of confidence.

Article 28

Assembly Chairperson may put forward to the Assembly the issue of confidence. Vote of confidence in the Assembly Chairperson shall be performed publicly by roll-call of Assembly members.

Vote of confidence shall be performed with members declaring themselves «for confidence» or «against confidence» or «abstention».

The Assembly shall reach the decision on confidence by a majority of the overall number of members.

Article 29

During the procedure for vote of confidence in the Assembly Chairperson, the Assembly shall be chaired by the member assigned by the Assembly.

Article 30

In case of resigning, Assembly Chairperson's mandate shall end with the day of the session during which resignation is submitted, that is the first following Assembly session, if the resignation is submitted in the meantime between two sessions.

Resignation submitted shall not be discussed or decided upon; end of mandate shall just be stated.

2. Assembly Secretary

Article 31

Assembly Secretary shall be appointed by the Assembly, by a majority of votes of the members attending.

Article 32

Assembly Secretary candidate shall be nominated by the Assembly Chairperson.

Nomination shall contain: first and last name of the candidate, short CV and explanation.

Article 33

Assembly Secretary shall:

- Manage the Assembly Administrative Office,
- Assist Chairperson in preparing and running sessions,
- Deal with the implementation of provisions of the Charter, Book of Procedures and other regulations defining work procedure of the Assembly and its working teams,
- Ensure that ordinances and other regulations, programs and information packages are prepared according to the Assembly Work Program,
- Oversee implementation of ordinances and other Assembly regulations,
- Be responsible for the recording of minutes and shorthand transcripts as well as for publication and distribution of ordinances and other general Assembly regulations,
- Prepare request for planning budget allocations for the work of the Assembly and its expert offices,
- Approve payment of expenses related to the work of the Assembly, working teams, Assembly members and Assembly expert offices,
- Report on the use of these resources to the authorized committee,
- Perform other duties in accordance with the Charter and this Book of Procedures.

Article 34

Assembly Secretary may be relieved of duty before end of term of office if he/she does not perform his/her duties in accordance with the law, Charter and this Book.

Motion to relieve the Secretary shall be submitted by the Assembly Chairperson or a minimum of 1/3 of the overall number of members.

During the procedure for relief of duty, Secretary shall be entitled to declare him/herself on the arguments for the motion.

Secretary shall be relieved of duty by a majority of votes of attending members.

Article 35

Assembly Secretary may submit resignation.

Resignation is stated on the day of the session during which it is submitted, i.e. at the first following Assembly session if resignation is submitted between two sessions.

Article 36

In case of termination of duty before expiry of the term of office, Assembly Secretary shall perform his/her duties until the appointment of the new Secretary.

3. Assembly Member Caucuses

Article 37

Assembly members shall be entitled to form a Caucus.

Assembly member may belong only to one Caucus.

Assembly member Caucus shall consist of at least two members. In principle, a Caucus shall consist of members belonging to a single party, a coalition of parties or a group of citizens.

If members from the election list are unable to form a Caucus, they may form one together with members from another list, or join a Caucus already formed.

Caucus Leader shall report to the Assembly on Caucus creation and composition within 7 days from the day of electing Assembly Chairperson.

Article 38

Caucus shall be constituted by submitting to the Chairperson a list of Caucus members signed individually by each member. Caucus Leader and his/her Deputy shall be highlighted in the list.

Article 39

Caucus shall take part in the Assembly work in the manner defined by this Book of Procedures.

Article 40

Caucus shall be represented by Caucus Leader.

In case of absence or being unable to attend, Caucus Leader shall be substituted by Deputy Caucus Leader.

Article 41

During Assembly session, one of Caucus members may be authorized to represent the Caucus regarding a certain item on the Agenda.

If Caucus is represented by Deputy Leader, he/she shall possess all of the rights and responsibilities of Caucus Leader.

Article 42

Caucus Leader shall inform Assembly Chairperson in writing about changes in Caucus composition. On the occasion of new members joining the Caucus, Caucus Leader shall deliver to Assembly Chairperson their signed statements.

Article 43

Municipal Assembly, according to its capacity, shall grant Caucus the right to use office space during Assembly session.

Article 44

Administrative and technical tasks for the Caucus, related to performing Assembly member duties, shall be performed by the Assembly Administrative Office.

4. Assembly Working Teams

Article 45

For consideration and discussion of issues within Assembly competence, proposing regulations and performing other duties within Assembly competence, committees and councils shall be formed as standing working teams, and commissions as temporary Assembly working teams (hereinafter referred to as: working teams), in accordance with the Municipal Charter and the Ordinance on Forming Working Teams.

Number of working team members shall be determined by the Assembly, by the Ordinance from the previous Subsection.

Assembly member may belong to several working teams.

Article 46

Selection of working teams' chairpersons and members shall be done based on the list of candidates.

The list of candidates shall contain the chairperson candidate and the number of candidates equal to the number to be elected.

Working team's chairperson and members shall be selected for a time period of 4 years.

Term of office for the working team's chairperson and members shall last until the end of Assembly term of office, i.e. the day of their relief of duty.

Article 47

List of candidates for the chairperson and members of the Committee for Election and Appointment shall be submitted by the Assembly Chairperson, based on the proposal from the Caucuses.

List of candidates for the chairperson and members of other working teams shall be submitted by the Committee for Election and Appointment, based on the proposal from the Caucuses.

Article 48

Assembly as a whole shall decide on the list of candidates for chairperson and members of working team by public vote, by a majority of votes of the overall number of members attending.

Article 49

If the list of candidates for Chairperson and members of the working team does not receive the necessary majority, voting shall be repeated.

Prior to repeated voting, proposing party may withdraw or modify the candidate list. If the list does not obtain the necessary majority of votes in the repeated voting, a new list shall be proposed.

Article 50

Additional election of Chairperson or individual member of working team shall be conducted based on individual proposals.

5. Conference of Department Heads

Article 51

Assembly Chairperson may form a Conference of Department Heads.

Conference of Department Heads shall consist of Assembly Chairperson, chairpersons of Caucuses, chairpersons of standing working teams, and, as needed, chairpersons of temporary working teams.

Assembly Secretary shall participate in the work of the Conference of Department Heads.

Conference of Department Heads shall: deal with the issues related to Assembly organization and work and reach agreements on them, consider issues related to procedures, working teams' method of operation and actions to be taken to improve this operation, take part in preparing the Assembly Work Program, consider the initiatives and proposals submitted and determine the procedure for

acting on them, perform other duties related to the work of the Assembly and its working teams.

IV Assembly Members' Rights and Responsibilities

Article 52

Assembly member shall be granted the right and responsibility to take part in the work of the Assembly and its working teams, perform tasks assigned, propose to the Assembly discussion of certain issues within its competence, submit bills of ordinances and other regulations, submit amendments to regulation bills, submit member queries, perform other duties in accordance with the law, Charter and this Book of Procedures.

Article 53

For the purpose of performing Assembly member duties, member shall be entitled to seek information and explanation needed in order to perform these duties, from Assembly Chairperson and the working teams' chairpersons.

Assembly member shall be entitled to being continuously and regularly informed on the issues that have impact on performing Assembly member duties, seek information and explanations; the competent body shall be required to provide these within 15 days.

Article 54

Assembly member shall be required to keep secret and other confidential information and shall be held accountable for this.

Article 55

For the purpose of performing duties, Assembly member shall be entitled to ask the Assembly Administrative Office for the following things from its scope of work:

- Providing expert help in designing the proposal submitted to the Assembly and the working team, and assistance in performing other duties assigned by the working team;
- Providing expertise on specific issues encountered during Assembly work;
- Providing use of necessary documentation on the topics from the Assembly or working team agenda.

Article 56

Assembly member shall be required to take part in the work of the Assembly and working team he/she belongs to and to be involved in decision making.

Assembly member shall be entitled to take part in the work of Assembly working teams he/she does not belong to, but not in decision making.

Article 57

Assembly member shall be entitled to remuneration for his/her work and reimbursement of travel expenses, in accordance with the Assembly Ordinance.

Article 58

Assembly members' performance shall be recorded.

Record from Subsection 1 shall contain the following data: attendance at Assembly sessions, attendance at working teams' sessions, number of meetings held with citizen and civil society representatives, absence from Assembly and working teams' sessions (justified-unjustified or as result of party decision), number of proposals or initiatives provided, number of proposals accepted and declined, number of discussions at sessions, list of issues discussed at the

Assembly sessions, list of questions that could not be discussed at the Assembly due to lack of quorum, duration of sessions, number and duration of working teams' sessions.

Records shall be published in an appropriate manner in the Assembly information bulletin at least once a year.

Maintaining records and publication of data shall be dealt with by Assembly Secretary.

Article 59

Assembly member shall submit a written resignation to the Assembly Chairperson.

Assembly Chairperson shall forward resignation immediately to the Municipal Election Committee and shall inform the Assembly about the resignation submitted.

Assembly shall state end of term of office for the member resigning.

Assembly Member's Query

Article 60

Assembly member shall be entitled to address a member's query at the Assembly session to the Assembly Chairperson, Mayor, Chief Administrator, head of local government body, manager of public service and another organization founded by the municipality.

Member's query may refer to the work of local government bodies, local administration bodies, organizations and public services founded by the municipality.

Article 61

Assembly member shall be entitled to put forward a maximum of three queries at the Assembly session.

Time allocated for putting forward a single member's query shall be three minutes at the longest.

Member's query shall be put forward at the beginning of the session.

Member's query shall be put forward verbally and submitted to the Assembly Chairperson in writing, with a mandatory explanation.

Member's query may not take the form of discussion.

Article 62

Response to member's query shall be provided, if possible, at the end of the session or at the first following session in written form.

The member putting forward the query, who receives a response in writing, shall be entitled to comment of up to two minutes and to putting forward an additional query.

Article 63

Delivery of response to the additional query shall be done immediately or at the beginning of the next session.

With delivery of response to additional query, the procedure of responding to member's query shall be concluded..

Assembly member may not put forward the same or similar query that has already been responded to.

V Assembly Session

1. Convening the Session and Taking Part in Its Work

Article 64

Assembly shall work and make decisions in sessions.

Article 65

Assembly session shall be convened by the Assembly Chairperson.

Assembly Chairperson shall convene a session following his/her own initiative, upon proposal from 1/3 of Assembly members, upon request from the Mayor or following citizen initiative.

Article 66

If Assembly Chairperson does not convene Assembly session, it shall be convened by the party submitting request or initiative.

If the Assembly is convened by the party submitting request or initiative, provisions of this Book of Procedures related to the procedure for convening, work and decision making shall be applied accordingly, as well as in the case of session being convened by the Assembly Chairperson.

In the case stated in Subsection 2 of this Article, session shall be chaired by the member assigned by the party submitting request or initiative.

Ordinance or other regulation issued in the sense of Subsection 3 of this Article shall be signed by the member chairing the Assembly session.

Article 67

Invitation to Assembly session shall contain: date, starting time, venue and proposed agenda.

Invitation to Assembly session must be sent out to Assembly members at the latest 10 days before the date scheduled for the session, together with the proposed agenda.

The proposed agenda may include only the regulation bills prepared in accordance with the law, Charter and this Book of Procedures.

Assembly shall not decide on the issues on which relevant material has not been delivered to Assembly members.

Assembly shall not decide on the issues on which competent working team opinion is not available, unless defined differently by this Book of Procedures.

Agenda materials, as well as minutes from the previous session are delivered together with the invitation to the session.

In exceptional cases materials for the proposed agenda, if not attached to the invitation, shall be delivered with shorter deadline or at the session itself.

Reasons for delivering the materials with the deadline shorter than envisaged must be provided in written form.

Article 68

In exceptional cases of emergency, Assembly Chairperson may convene the Assembly with a deadline shorter than 10 days, with the agenda proposed at the session itself.

Article 69

Invitation to Assembly session, with the proposed agenda and the session materials shall be delivered to the Mayor.

Assembly Chairperson shall inform the Mayor on convening Assembly session and the agenda proposed and deliver the material proposed for the session agenda.

The following shall be invited to the Assembly session: Deputy Mayor, Chief Administrator, heads of local administration bodies, and, as needed, managers of public and other services founded by the Municipality.

Members of Parliament, Head and members of the Council for Development and Protection of Local Government, NGO representatives and interested citizens may take part in the Assembly work.

Citizens interested in attending Assembly session shall be required to state the need to attend the session at the latest five days before the session.

Assembly Chairperson, according to the space available and the need to ensure optimum conditions for the work of the Assembly session, shall enable attendance of the interested citizens and inform them about this in an appropriate manner.

Article 70

Assembly Chairperson shall deliver the materials and session announcement to the political parties represented in the Assembly, the media and the Municipal Information Center.

Assembly Chairperson may decide to deliver invitation and the material for the proposed agenda to other interested parties as well.

Article 71

In case of extraordinary circumstances threatening lives and health of citizens and their property, Assembly Chairperson may convene Assembly session, and the agenda may be proposed at the session itself.

Session agenda may include only issues related to the onset of extraordinary circumstances.

Course of discussion and decision-making procedure may be defined at the session beginning, in order to be simple and concise, depending on the reason for convening and the urgency of making appropriate decisions.

2. Course of Session

Article 72

Assembly session shall be chaired by Assembly Chairperson.

Assembly Chairperson shall start Assembly session and state whether there exists the quorum for work and decision making.

This Book of Procedures defines quorum as the attendance of the majority of Assembly members out of the total number of members.

Quorum shall be confirmed by doing a roll-call or in another manner, if decided so by the Assembly. Roll-call shall be conducted by Assembly Secretary or a person assigned by the Assembly Chairperson.

Assembly Chairperson shall inform about the members who reported not being able to attend, as well as the persons invited to attend the session.

Article 73

If, during the session, Assembly Chairperson states that there is no quorum for the work, he/she shall stop the session until quorum is ensured and shall set the time for resuming the session.

If there is still no quorum following the deadline given in Subsection 1 of this Article, Assembly Chairperson shall postpone the session, for a certain date or for an indefinite period of time.

If the session is postponed for an indefinite period of time, Assembly Chairperson shall call on leaders of Members' Teams within three days from the day of postponement, so as to schedule the session; postponed session must be re-convened within 15 days from the day of postponement.

Assembly members shall be informed about session postponement.

Article 74

Before moving on to defining the Assembly session agenda, minutes from the previous session shall be adopted.

Assembly member may state objections to the minutes and ask for adequate amendments to be entered.

Validity of objections to the minutes shall be decided upon without discussion.

Assembly Chairperson shall state adoption of minutes without objections, or with amendments entered and adopted.

3. Consideration and Adoption of the Agenda

Article 75

Following adoption of minutes, the agenda shall be defined.

Assembly Chairperson shall provide necessary explanations regarding the proposed agenda.

Assembly Chairperson, Assembly member, standing working team of the Assembly and Mayor may propose amendments to the agenda, accompanied with a brief explanation at the session itself.

Proposals are normally delivered to Assembly Chairperson in written form, at the latest by the session beginning.

As an exception, proposing party may submit agenda amendment proposal together with the regulation bill, at the latest three days before the day of holding the session.

Article 76

Assembly shall make separate decisions on each proposal for agenda amendment, first on the proposal to remove a particular item from the agenda and then on the proposals for amendments to the agenda.

Assembly members shall declare themselves on the agenda amendment proposal immediately following the proposal.

Article 77

In case of competent working team suggesting, in relation to adoption of the agenda, not to include a particular ordinance or other regulation bill in the agenda due to lack of legal ground, the Assembly shall make a decision without conducting discussion.

Article 78

The Assembly shall decide on the overall agenda proposal without discussion, by majority of votes of the members attending.

Article 79

Assembly Chairperson shall proclaim the adopted Assembly session agenda.

4. Session Work

Article 80

Defining the agenda shall be followed by discussion of individual items in the set order.

Assembly Chairperson may, for the purpose of efficient and rational work, propose changes in the order of discussion or consolidation of certain items, which is decided upon by the Assembly.

Article 81

Assembly Chairperson may discontinue the session when he/she deems that it is necessary to consult and obtain necessary opinion on a certain session agenda topic.

Article 82

At the Assembly session nobody may take the floor before asking and being given the floor by the Assembly Chairperson.

Assembly Chairperson shall give the floor to Assembly member and other session participants according to the order of requesting.

Article 83

At the beginning of discussion on regulation bill, the proposing party , i.e. their representative may give introductory exposition of maximum 10 minutes, during the discussion reply to the questions asked with maximum 3 minutes per question, and, following the discussion, give concluding address of maximum 5 minutes.

After the proposing party, i.e. their representative in the discussion, representative of the working team that dealt with the issue being discussed may take part in the discussion, followed by the Assembly member who expressed his/her different opinion within the team, the Mayor, unless being the proposing party, with maximum duration of 5 minutes, and then followed by the members according to the order of requesting.

Working team representative may speak out of turn, if needed in the discussion.

Article 84

Assembly member requesting to speak on violation of the Book of Procedures or the set agenda shall immediately be given the floor by the Assembly Chairperson, but his/her address may not take exceed 3 minutes.

Assembly Chairperson shall be required to provide explanation regarding the objection expressed.

If Assembly member is discontented with the explanation provided, Chairperson shall call upon the members to declare themselves on the case of violation.

Article 85

Address of Assembly member or another participant in the discussion may take 10 minutes at the longest; on the same agenda topic, the floor may be obtained not more than twice.

Assembly member or another participant in the discussion may obtain the floor for the second time only when the list of participants speaking for the first time is exhausted, but the second address may not take longer than 5 minutes.

Assembly may, following proposal from the Assembly Chairperson or Caucus, decide without discussion, that a particular agenda topic may be addressed only once.

Assembly may, following proposal from the Assembly Chairperson, determine a different duration of address, as well as that certain issues should be addressed only by a certain number of Caucus representatives, the Mayor, or another regulation proposing party.

Article 86

NGO representative invited to take part in the session shall be entitled to state suggestions or opinions on the proposed agenda item with regard to which he/she is invited to attend; his/her address may not exceed 10 minutes and implies no role in the decision making (free seat).

Article 87

Assembly member whose name or personality is directly referred to in a negative context shall be entitled to request and obtain the floor (right to rebuttal). Assembly Chairperson shall give the floor to the Assembly member upon request.

The right from Subsection 1 of this Article shall be granted to the Caucus Leader, i.e. authorized Caucus representative if their Caucus or their political party or coalition are mentioned.

The right to rebuttal shall be granted to the Mayor, i.e. authorized representative of the Mayor in case the Mayor, or the local government body or public service founded by the Municipality are mentioned.

Rebuttal may refer only to the necessary explanation, i.e. clarification and may not exceed 3 minutes.

Rebuttal on rebuttal shall not be allowed, unless Assembly Chairperson assesses that statements given in the rebuttal were also offensive or incorrect.

Right to rebuttal shall also be granted to the proposing party, i.e. representative of the party proposing the regulation being discussed, as well as another participant in the session, in accordance with this Book.

The right from Subsections 1, 2 and 3 of this Article may be exercised twice at the most.

Participant behaving contrary to this Article shall be ruled out of order by the Chairperson, following issuance of preliminary notice.

Article 88

Assembly member or another participant in the discussion may address only the issue on the agenda. If a speaker digresses from the agenda, Assembly Chairperson shall notify them.

If, following the notification, the speaker further digresses from the agenda, Assembly Chairperson shall rule them out of order.

Article 89

Assembly Chairperson may call for a break if required by the session circumstances.

Assembly Chairperson shall suspend the session upon noticing lack of quorum, until quorum is provided, and may suspend the session in order for the consultations to be performed and necessary opinion obtained.

Assembly Chairperson shall suspend the session in other cases, upon Assembly decision.

In the case of session being suspended, Assembly Chairperson shall set the time for resuming the session.

Article 90

Upon concluding that there are no further requests to take part in the discussion, Assembly Chairperson shall conclude the discussion.

5. Maintaining Order at the Session

Article 91

Assembly Chairperson shall be in charge of order during the session.

Notification, rule out of order and being asked to leave the session are actions that may be taken regarding disturbance of order at the session.

Article 92

Assembly members and other participants in the discussion shall be required to respect the dignity of Assembly members and the Assembly itself and approach each other with polite words and with esteem.

Use of offensive language or revealing data or judgements from the private life of Assembly members and other persons shall not be allowed.

Assembly members shall be addressed by first and last name only.

Article 93

Assembly member and another person may approach the speaker's stand and the session chair's desk when permitted by the chairing person.

Disturbing assembly member or another person given the floor by the session chair shall not be allowed.

Notification shall be issued to the Assembly member disturbing order at the session or violating provisions from this Book by their behavior, speaking out of turn, interrupting another member's address or by acting in a similar manner.

Assembly member shall be ruled out of order when his/her speech disturbs order at the session or violates provisions of this Book, following two prior notifications to observe the order and the provisions of the Book of Procedures.

Ruling out of order shall be carried out immediately, without prior notification of the Assembly member using language offensive to the dignity of Assembly members, other persons and the Assembly, or stating information or judgments offensive to institutions or referring to the private lives of Assembly members or other persons.

Notification and ruling out of order shall be administered by the Assembly Chairperson.

Article 94

Assembly member shall be asked to leave the session if not observing the Assembly Chairperson's decision on being ruled out of order, following second notification, or if disturbing the order at the session in another manner.

Decision on asking a member to leave the session shall be made by the Assembly, following proposal from the Assembly Chairperson, without discussion.

Measures administered shall be included in the minutes.

The measure of removal from session refers to the working day of its administering.

Article 95

Assembly member asked to leave the session shall be required to leave immediately and may not take part in further work.

If Assembly member refuses to leave the session, Assembly Chairperson shall order authorized personnel to remove them from the session.

If Assembly Chairperson is unable to maintain order at the session using the measures defined, he/she shall call for a short break.

Provisions on maintaining order at the Assembly session shall apply also to other session participants, and shall accordingly apply to the work of Assembly working teams.

6. Decision Making

Article 96

Assembly shall make a decision if the session is attended by more than half of Assembly members; decision shall be made by the majority of votes of the members attending, unless stated otherwise in the Municipal Charter.

Article 97

Voting shall be public, except for the cases defined by this Book.

Article 98

Before moving to voting, Assembly Chairperson shall state whether there is quorum for the session and ask the members to vote.

Public voting shall be conducted by a raising of hands.

Assembly member shall vote by declaring him/herself «for », «against» or «abstention».

Count of votes shall be done by the Assembly Secretary or a person he/she assigns.

Following completion of voting, Assembly Chairperson shall state the result and proclaim whether the proposal is adopted or not.

Article 99

Assembly members may vote in a roll-call, if proposed by the Assembly Chairperson or upon request from 10 members.

Article 100

Assembly may decide to conduct a secret vote.

Secret vote is conducted using the number of ballots equal to the number of Assembly members, with ballots of the same size, form and color, bearing Assembly seal.

For each repeated voting, ballots shall be marked to denote that particular voting or printed in a different color.

Assembly Secretary shall be in charge of printing and sealing the ballots.

Article 101

If secret vote is conducted on a regulation bill, ballot shall contain the regulation title, and, below the title, the word «for» on the left and the word «against» on the right.

Assembly member shall vote by circling the word «for» or «against».

Article 102

For elections and appointments, the ballot shall contain the names of the candidates, with an ordinal number preceding each name.

Voting shall be performed by circling the ordinal number of the candidate that Assembly member is voting for.

If the ballot contains more candidates than the number being selected, it shall be allowed to vote for the number of candidates being selected at the maximum.

If the ballot contains just one candidate to vote on, instead of the ordinal number before the name, the ballot shall contain the words «for» and «against» and voting shall be performed by circling one of them. Words on the ballot shall be typed in the manner described in Article 101 of this Book.

Article 103

Secret vote shall be managed by the Voting Committee, assisted in its work by Assembly Secretary.

Committee composition shall match party representation in the Assembly.

Committee from Subsection 1 of this Article shall be appointed by the Assembly, following proposal from the Assembly Chairperson or Acting Chairperson.

Article 104

Prior to the beginning of voting, Assembly Chairperson, i.e. Acting Chair shall provide necessary explanation on the voting procedure and set the time for the break to determine the voting result.

Article 105

Assembly Secreatry shall conduct roll-call, deliver ballots to members and record the members to have recived ballots.

After performing the vote, the Assembly member him/herself shall put the folded ballot paper in the ballot-box.

Article 106

Following completion of voting, Voting Committee shall determine voting result, in the same room where voting took place.

Before opening the ballot-box, the number of ballots not delivered shall be determined.

Article 107

Voting Committee shall make a brief report on the results of secret vote, including information on the number of ballots delivered, number of ballots found in the ballot-box, (used ballots), valid and invalid ballots, ballots in favor and against, that is the number of ballots in favor of individual candidates, as well as a statement on whether the proposal is adopted, i.e. which candidate is elected.

Article 108

The following shall be considered as invalid ballot: empty ballot, ballot filled out in such manner that it is impossible to determine the vote with certainty, as well as when the number of candidates circled in the ballot is bigger than the number being selected.

Article 109

Following completion of voting, Assembly Chairperson, i.e. Acting Chair shall proclaim the voting result, the proposals adopted and the selection made.

Count of votes on a single issue may be repeated only once.

Voting result shall be included in the minutes.

7. Minutes

Article 110

Minutes shall be recorded of the Assembly session work.

Minutes shall include the names of Assembly members absent from the session, principal data on the session work and the titles of regulation adopted by the Assembly at the session in relation to individual items on the agenda.

Minutes shall include the results of voting on certain issues.

Upon Assembly members' request, minutes shall include the separate view they expressed.

Article 111

Assembly Secretary shall be in charge of preparing minutes.

Minutes shall be distributed to the Assembly members at the latest together with the invitation for the next session.

Each member shall be entitled to state objections to the minutes prior to their adoption.

Adopted minutes shall be signed by the Assembly Chairperson and Secretary.

Assembly sessions shall be tape recorded.

On exceptional occasions, due to lack of technical capacity, session course shall be recorded in shorthand transcript.

Tape recording transcript and shorthand transcript of the session shall be kept in the Assembly archives.

Each member shall be granted the right to access tape recording, i.e. shorthand transcript.

Manner, use and preservation of tape and shorthand transcripts shall be defined in detail by a separate decree of the Assembly Secretary.

VI. Assembly Regulations and the Procedure for Their Adoption

1. Assembly Regulations

Article 112

In performing duties within its competence, the Assembly shall issue the: Municipal Charter, Book of Procedures, ordinances, rulings, conclusions, recommendations, plans, programs and other regulations in accordance with the law, Charter and this Book.

The Assembly shall provide authentic interpretation of the rules and general regulations it adopts.

Article 113

Mayor, Assembly member and _____ of citizens from the municipality territory shall be entitled to propose ordinances, other rules and general regulations.

Article 114

The procedure for adoption of ordinance shall be started by submitting the ordinance bill.

Ordinance bill shall be submitted in the ordinance format and must be accompanied by an explanation.

Explanation shall contain: legal ground for ordinance adoption, arguments for adoption and exposition of principal legal concepts, and assessment of financial resources for ordinance implementation.

If ordinance bill implies budget claims, explanation shall include assessment of funds for its implementation and the way of providing them.

Article 115

Text of the primary ordinance suggested for amendment shall be attached to the ordinance amendment bill.

Ordinance bill shall be submitted to the Mayor in order to obtain opinion, in cases where the Mayor is not the proposing party.

Article 116

For the purpose of considering the ordinance bill at the Assembly session, ordinance bill shall be considered by the working team competent on the issues regulated by the ordinance and the Committee on Charter and Rules.

Ordinance bill may be considered by other working teams as well, if the bill comprises certain issues within their competence.

Article 117

Following consideration of ordinance bill, competent working team, in its report, shall suggest to the Assembly to adopt the bill in total or in amended version, or not to adopt the ordinance bill.

Working teams' reports shall be delivered to Assembly members and the proposing party, normally prior to holding the Assembly session.

2. Discussion on Ordinance Bill at the Assembly Session

Article 118

Ordinance bill shall be discussed at the Assembly session.

Discussion shall be conducted in total, unless the Assembly decides to organize discussion in general and in detail.

If a considerable number of suggestions and proposals to amend certain provisions is made during the discussion, and when a number of amendments to ordinance bill are submitted and declined by the proposing party, the Assembly may, following proposal of the Chairperson or upon request from the proposing party, decide to postpone voting on the ordinance bill, for the proposing party and competent working teams to reconsider the bill and state opinion on the objections and suggestions submitted, harmonize amendments with the text of the ordinance bill and submit final suggestions to the Assembly.

Following completion of discussion and voting on amendments, voting shall start on the ordinance bill in total.

Ordinance proposing party may withdraw ordinance bill until completing the discussion on ordinance bill.

3. Amendments

Article 119

Proposal for ordinance amendment shall be submitted to the Assembly Chairperson in writing, in the form of amendment, and must be argued.

Amendments may be submitted by all proposing parties authorized to submit ordinances and the competent Assembly working team.

Amendment proposing party shall be required to state in the amendment explanation whether amendment implementation demands additional financial resources.

Amendment shall be submitted at the latest three days before the start of the session to consider ordinance bill.

During discussion on ordinance bill, amendment may be submitted only by the proposing party and the competent working team, in writing and accompanied by explanation.

Article 120

Amendment to ordinance bill shall be distributed to Assembly members, proposing party, the Mayor if the Mayor is not the proposing party, and the competent working team if it is not the amendment proposing party.

Competent working team shall be required to consider the submitted amendments to ordinance bill and suggest the Assembly which amendments to adopt and which to reject.

Article 121

Assembly shall decide on the amendments in the order of articles of ordinance bill they refer to.

If several amendments are submitted to the same article of ordinance bill, the one first decided upon shall be the one suggesting deleting this article, followed by the amendments suggesting modifications of this article.

If an amendment is submitted to another amendment, voting shall be conducted first on the amendment submitted to the amendment.

Amendment submitted by the ordinance proposing party and amendment adopted by the proposing party shall become integral part of the ordinance bill and the Assembly does not make a separate decision on it.

Adopting Regulation Using Emergency Procedure

Article 122

Emergency procedure may be used only for adoption of regulation on issues and relations whose defining is urgently needed, and not adopting them might cause harmful consequences.

Regulation proposing party shall be required to state in the bill explanation the reasons making it necessary to adopt the regulations using emergency procedure.

Article 123

Regulation bill suggested for use of emergency procedure may be included in the Assembly agenda if submitted at the latest 24 hours before the start of the session.

If the Assembly adopts the proposal to introduce regulation using emergency procedure, it shall set the deadline for the competent working teams to consider regulation bill and report, as well as the deadline for the Mayor, if the Mayor is not the proposing party, to provide opinion on the regulation bill.

Article 124

After the competent working team considers the regulation bill suggested for use of emergency procedure, the Assembly may decide to start the discussion on the regulation bill immediately and without written report, with the reporting party providing verbal explanation at the session.

If the competent working team fails to submit the report within set deadline, discussion on the regulation bill may be conducted at the Assembly without the working team report.

Amendments to regulation bill being adopted with use of emergency procedure may be submitted by the end of discussion.

Competent working teams and the Mayor, unless being the proposing party, shall declare themselves with regard to the amendments.

5. Procedure for Adopting Other Regulations

Article 125

Adoption of other regulations shall be conducted in the manner and using the procedure envisaged for decision making.

Together with the proposal of the Town Plan, General Urban Plan and Detailed Urban Plans, Assembly members shall be delivered notification on the manner and place where they may access the plans.

Together with the ordinance bill on budget and annual balance sheet, report on public debate and report on external audit shall be delivered.

Other necessary documentation, in accordance with the law, Charter and Assembly Ordinance, shall be delivered together with the regulation bill.

6. Procedure Upon Citizen Initiative

Article 126

Citizen initiative requesting adoption or modification of Assembly regulation shall be submitted to the Mayor, competent working team or local government body, for the purpose of obtaining opinion.

Bodies from Subsection 1 of this Article shall be required to express their view on the citizen initiative submitted within 15 days.

Article 127

The Assembly shall decide on citizen initiative by issuing a conclusion.

In the conclusion on adoption of initiative, Assembly shall set the deadline for the competent body to prepare regulation bill defining the issue contained in the initiative.

In the procedure of preparing and designing the regulation from Subsection 2 of this Article, the competent body shall be required to involve the party submitting the citizen initiative.

If the Assembly fails to adopt the initiative due to functionality reason, it may decide to organize a referendum on the issue.

7. Procedure Upon Request or Proposal of the Council for Development and Protection of Local Government

Article 128

Assembly shall consider and declare its position on the request or proposal of the Council for Development and Protection of Local Self-Government within 60 days.

When taking into consideration the request or proposal of the Council, Assembly Chairperson shall invite the Chairperson or the authorized Council representative to the session.

8. Procedure for Providing Authentic Interpretation of Regulations Adopted by the Assembly

Article 129

Proposal for providing authentic interpretation shall be submitted to the Municipal Assembly.

Proposal for providing authentic interpretation shall contain provisions suggested for authentic interpretation and the reasons for demanding interpretation.

Proposal for providing authentic interpretation shall be submitted to the Assembly Chairperson, who delivers it to the Assembly members.

Article 130

If the Committee on Charter and Rules deems it necessary for the authentic interpretation to be provided, it shall design the authentic interpretation proposal and submit it to the Assembly.

Authentic interpretation proposal shall be delivered to Assembly members and the competent working team.

Provisions of this Book related to consideration of ordinance bill shall apply to consideration of authentic interpretation proposal.

Article 131

If the Committee on Charter and Rules deems that there is no need for providing authentic interpretation, it shall submit to the Assembly an argued report on this, together with the ordinance bill.

If the Assembly does not adopt the opinion of the Committee on Charter and Rules stating there is no need for providing authentic interpretation of the ordinance, it shall assign the Committee on Charter and Rules to create an authentic interpretation proposal and submit it to the Assembly at the next session.

Proposing party for providing authentic interpretation shall be informed about the Assembly decision.

9. Procedure for Charter Amendments

Article 132

Procedure for Charter Amendment shall start by Ordinance Bill on Charter Amendment.

Ordinance Bill on Charter Amendment may be submitted by a minimum of 1/3 of Assembly members, the Mayor or a minimum of 200 voters registered in the municipal electoral roll.

Article 133

Ordinance Bill on Charter Amendment shall be delivered by Assembly Chairperson to Assembly members, competent working team and the Mayor, if the Mayor is not the proposing party.

Proposal from Subsection 1 of this Article may not be included in the Assembly session agenda before the expiry of the deadline of 30 days from the day of delivery to members.

Article 134

Discussion shall be held on the Ordinance Bill on Charter Amendment.

Following completion of discussion, the Assembly shall decide on the adoption of the Ordinance Bill.

Article 135

Following adoption of Ordinance Bill on Charter Amendment, the Assembly shall form a committee

for designing Draft Ordinance on Charter Amendment and set the deadline for defining the text of Draft Ordinance on Charter Amendment and submitting it to the Assembly.

Article 136

The procedure for adopting Ordinance on Charter Amendment shall be identical as for adopting the Charter..

Article 137

Assembly shall decide on adoption of Ordinance on Charter Amendment by a majority of votes of the overall number of members.

VII. PROCEDURE FOR CONSIDERATION OF IMPLEMENTATION OF LAWS, OTHER RULES AND REGULATIONS

Article 138

For the purpose of monitoring the situation in certain areas, implementation of laws, other rules and general regulations, and responsibilities of local government bodies and public services, the Assembly shall consider report from the Mayor and public services at least once a year.

Assembly shall consider reports, analyses, information and other analytical materials prepared by local government bodies and public services.

Article 139

Regarding consideration of the materials from the previous Article, Assembly may:

- Issue a conclusion on their adoption;
- Issue a conclusion on the need for amendments to the regulation being considered;
- Issue a conclusion defining responsibilities of the competent body, public services or working team, and providing guidelines for their further work;
- Start initiative to implement or propose accountability measures against the person accountable for failing to implement ordinance or other rule or general regulation within Assembly competence;

- Start initiative towards competent state bodies to take appropriate actions.

Article 140

In the procedure of determining development plans and programs for public services and other state founded legal entities, Assembly shall consider drafts of these regulations, give proposals, suggestions and views on operation within municipal territory.

VIII. GIVING CONSENT TO APPOINTMENT AND RELIEF OF DUTY

Article 141

Mayor's proposal for the appointment and relief of duty of Deputy Mayor and Chief Administrator shall be delivered to the Assembly.

Proposal for relief of duty shall be delivered to the persons from Subsection 1 of this Article in order to inform them and express their views.

Assembly shall decide on the appointment and relief of duty of these persons upon obtaining opinion of the competent working team.

IX. RESIGNATION

Article 142

When Mayor, Deputy Mayor, or officials whose election and appointment is proposed by the Mayor submit resignation, it shall be delivered to Assembly members.

Resignation may not be submitted if procedure for vote of confidence, i.e. relief of duty has been started.

Article 143

At the initial session, Assembly shall acknowledge resignation of the Mayor or another official, without conducting discussion.

X. PARLIAMENTARY COOPERATION

Article 144

Assembly and its working teams shall cooperate with the RoM Parliament and the assemblies of local government units and their working teams through exchange of information, documentation and other materials, visits of Assembly representatives and their working teams and other modes of cooperation.

XI. PUBLICITY OF ASSEMBLY WORK

Article 145

The work of the Assembly and its working teams shall be public.

Television and other electronic media shall be entitled to conduct direct broadcast of the Assembly session, which shall be responsibility of Assembly Secretary.

Assembly shall provide conditions for the television and other electronic media to conduct Assembly session broadcast, that is obtain real time audio and video signal.

For the purpose of exercising their respective rights and responsibilities, a separate contract shall be made between the Assembly and the television and other electronic media.

Assembly session shall be closed for public in case the materials contain information considered official secret according to the law.

Proposal to have the session closed for public may be submitted by Assembly Chairperson, Mayor and a minimum of 1/3 of Assembly members.

Assembly shall decide on the proposal from Article 1 by majority of votes of the members attending.

Article 146

Assembly shall inform the public about its work, the topics discussed and the decisions made.

Certain regulation bills being discussed may be published in the media or in a separate publication, as decided by the Assembly.

Article 147

Regulation bill and other materials considered by the Assembly and its working teams shall be made available to the authorized media representatives, unless differently stated by the general regulation on handling materials considered confidential at the Assembly.

Assembly shall provide representatives of the press with the necessary conditions for covering the Assembly and its working teams.

For the purpose of providing more comprehensive informing of the public about the work of the Assembly and its working teams, the Assembly shall publish data and information about its work and that of the working teams in the Assembly bulletin and on the Assembly web-site.

Article 148

Publicity and transparency of the work of local government bodies and public services shall be provided also by Municipal Information Center.

Article 149

Authorized Assembly representative may give official statement for the press and other media.

Text of the official statement shall be approved by the Assembly Chairperson or a person that he/she authorizes.

Press conference at the Assembly may be held by Assembly Chairperson and working team chairperson.

Article 150

Implementation of the provisions related to publicity of Assembly work shall be dealt with by Assembly Chairperson and Assembly Secretary.

XII. ASSEMBLY WORK PROGRAM

Article 151

Assembly shall issue Work Program for the calendar year.

Work Program shall define Assembly duties and tasks and their basic content, implementors and timelines for considering particular issues.

Article 152

In designing Work Program, Assembly shall obtain proposals and views on the issues to be included in the Work Program from the Mayor, Assembly members, working teams, caucuses, public services, neighborhood districts and NGOs.

Article 153

Assembly Chairperson shall determine Work Program proposal and forward it to the Assembly for consideration and adoption.

XIII. NGO PARTICIPATION

Article 154

NGOs shall take part in the work of the Assembly and its working teams by getting invited to sessions and taking part in the discussion, without the right to participate in decision making («free seat «).

Article 155

NGO may submit proposals and views related to the proposed agenda at the latest three days before the day of the Assembly session.

Proposals and views shall be submitted to Assembly Chairperson, the Mayor, other authorized proposing party and competent working team.

The Assembly shall not decide on the proposals and views except when the proposing party, i.e. the competent working team accept them and they become integral part of the proposing party or working team proposal.

Article 156

Twice a year, Assembly Chairperson shall hold a meeting with representatives of the non-governmental sector, with the aim to improve further cooperation.

XIV. ASSEMBLY ADMINISTRATIVE OFFICE

Article 157

Assembly Administrative Office shall perform technical and other tasks for the Assembly, its working teams, Assembly Chairperson, Assembly Secretary, Assembly members, Caucuses and citizens.

Assembly Administrative Office shall be organized and perform duties and tasks from its scope of work as a separate office.

XV. FINAL PROVISIONS

Article 158

With this Book of Procedures becoming effective, the Municipal Book of Procedures for the Municipality of Rozaje, “The Official Gazette of the Republic of Montenegro – Municipal Regulations“, no. 22/95, shall no longer be effective.

Article 159

This Book of Procedures shall become effective on the eighth day from the day of its publication in “The Official Gazette of the Republic of Montenegro- Municipal Rules“.

ROZAJE MUNICIPAL ASSEMBLY

Number: _____

ASSEMBLY

CHAIRPERSON,